# EXTENSIONS OF REMARKS

## GUN VIOLENCE ECONOMIC EQUITY ACT OF 1995

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mrs. COLLINS of Illinois. Mr. Speaker, in recent weeks the GOP leadership has been leading the charge to slash social spending in America, place poor children in orphanages, and punish welfare recipients for their underprivileged status. Many among the Republican ranks would like to eliminate the Departments of Education and Housing and Urban Development, washing their hands of Federal responsibility in these areas. In addition, there is a GOP attack being waged on the vital prevention dollars that my Democratic colleagues and I fought so hard to keep intact in last year's crime bill. My friends on the opposite side of the aisle seem to believe in building walls around our inner-city communities rather than building futures for the youth that are struggling to succeed in those neighborhoods.

The attitude from the GOP and its Contract With America seems to be que será será, whatever will be, will be. Let's let market forces work and we'll hope for the best. Well, I've got quite a surprise for you Mr. Speaker. Given that approach, you and your Republican friends will probably want to join my Democratic colleagues in cosponsoring a bill of mine, H.R. 174, the Gun Violence Economic Equity Act of 1995.

I think we can all agree in this body that the gun violence plaguing our Nation is way past epidemic proportions and threatens to wipe out the hopes and dreams of all our future generations. Last Congress I was elated that, finally, after years of prolonged struggle with the "just say no" gun lobby, we were able to pass the Brady bill, along with a ban on 19 different types of assault weapons. These commonsense measures should have been in the books years ago and their passage serves the "Not Really Attuned" NRA with a loud wake-up call that the American people no longer stand for their attempts to block any and all rational gun control legislation.

Our children are at risk and we must continue to bring some sanity to our gun regulatory framework. In 1992 alone, in my city of Chicago, 741 youths 19 years of age and under were victims of gun injuries and early reports for 1993 and 1994 indicate rising numbers. At Children's Memorial Medical Center in Chicago, the number of children 16 and under treated for gunshot wounds skyrocketed 250 percent from 1988 to 1993. This is disgraceful tragedy. More can and must be done. I believe H.R. 174 would greatly assist us in our long-running quest to end the madness on our streets.

Mr. Speaker, I still believe the best way to control handguns is to ban them outright. However, if we have decided that gun ownership has some value in our society, then we should allow market forces to dictate the true cost of that ownership. This is the rationale behind the Gun Violence Economic Equity Act.

H.R. 174 would make manufacturers, dealers, and importers of handguns and assault weapons strictly liable for damages resulting in injury and death from the use of these weapons to the victims and survivors of victims.

By holding these parties liable for the damages caused by their products we will make certain that they share their appropriate culpability in the mayhem and destruction that their products inflict in both my congressional district and other communities all throughout America. These gun peddlers should understand that they must also take responsibility for their part in perpetuating the violence we have become all too accustomed to reading about in the daily papers.

This legislation in no way decreases or diminishes the responsibility of individuals who own or use guns in cities and towns. Undoubtedly the appropriate laws or civil actions still apply and should be taken. A person who directly commits an act of violence is responsible for his or her actions, but the manufacturers and sellers of handguns and assault weapons are also partners in these acts and must be viewed as such under the law.

Holding these parties liable also places the heavy economic cost of violence on the appropriate groups. Every one of us pays for gun violence in a myriad of ways. We pay in support to public hospitals whose trauma centers become overburdened with uncompensated care to victims of gunshot wounds. We pay in increased hospital insurance costs. We pay by having to subsidize the costs of increased security measures employed by businesses which we patronize. This list goes on and on.

Successful suits by victims against gun manufacturers and distributors will increase the manufacturer's cost of doing business. In turn, manufacturers will pass on the cost by increasing the price of guns sold in order to be able to cover future court awards. The more injuries a particular weapon causes, the more a strict liability rule will increase the price and reduce the quantity demanded of that type of gun. Hopefully, an increase in the cost of doing business will make a manufacturer think twice about producing dangerous and needless weapons for our communities.

Since there are many different models of guns, a strict liability rule would cause variable pricing of these guns according to the gun's history of being used to cause injury and death. The guns that cause the most net loss would show the sharpest declines in quantities sold. Guns that are safer, or because of type or selective marketing are rarely used in violent acts, would experience a smaller increase in price and a smaller decline in sales.

Mr. Speaker, if we had a strict liability rule in place a long time ago maybe we wouldn't have to argue about the epidemic level of gun violence that we face in the United States today. Maybe we wouldn't have to watch scenes of children attending funerals of their classmates on the evening news or read about police officers killed because they were outgunned by thugs and felons.

The American people are extremely anxious for the 104th Congress to take significant action to confront the most pressing problems facing our society, foremost of which continues to be gun violence. I urge my colleagues, therefore, to join me in supporting the Gun Violence Economic Equity Act of 1995 and signaling to the American people that we are committed to taking decisive and immediate action to bring down the number of deadly weapons in our streets and in our lives.

## END SSI ABUSE

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. MENENDEZ. Mr. Speaker, today I am introducing a bill to end an outrageous abuse of a program designed to aid our most vulnerable citizens: the aged, blind, and disabled. Reports by the General Accounting Office and the Inspector General of the Department of Health and Human Services tell us that some families teach their children to feign mental illness or retardation so that the parents can collect SSI checks once the children are diagnosed as being unable to function in an age-appropriate manner. Parents are not required to spend these checks to assist their disabled children.

These parents abuse the SSI program's flexibility in the case of a child whose condition does not match one on the published list of medical impairments considered severe enough to preclude any gainful activity.

Yesterday's Washington Post reports bipartisan concern about these abuses by parents who can increase their welfare checks from $6,204 to $11,652 for a single parent with two children, when one child is enrolled in SSI. The Republican plan is to take a meat ax to all SSI checks for disabled children. This is not reform, but a mindless attack on families already under severe stress caring for seriously ill children. We must not solve this problem by eliminating the modest support we pay to parents who are poor because they stay at the bedside of a dying child.

The bill I am introducing today would preserve SSI benefits for disabled children, but in the case of children who become eligible as a result of the alternative process so many are now abusing, the benefits would come in the form of vouchers for services needed by the child in connection with the disability. I urge my colleagues to join with me in enacting a

humane way of eliminating abuse of the SSI program by unscrupulous parents.

## THE DEVALUATION OF THE MEXICAN CURRENCY

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. CRANE. Mr. Speaker, in recent weeks opponents of the NAFTA have tried to use the devaluation of the Mexican currency as a way to revive their efforts to undermine this historic trade initiative. To be sure, the devaluation of the peso is of great concern to our country because of the economic dislocation it is causing in Mexico. The devaluation will have the unfortunate effect of raising the price of United States exports to Mexico, and will tend to reduce the trade surplus the United States built up with Mexico during 1994, the first year of the NAFTA.

The current situation facing Mexico is unfortunate, but the United States has a strong interest in helping Mexico weather this downturn in its economy. The United States shares a 2,000-mile border with Mexico and our economies are closely linked. Total trade between the United States and Mexico is in the range of $70 billion a year.

Without NAFTA the current economic situation would be much worse for U.S. businesses and workers. As a comprehensive bilateral free-trade agreement, NAFTA obligates Mexico to solve its economic crisis in ways that ensure that United States products and services will not be shut out of Mexico's market. In the past it was not unusual for Mexico to try to address its currency problems and fiscal difficulties by nationalizing banks and other industries, and otherwise closing the Mexican market to United States goods and services. Because the NAFTA obligates Mexico to maintain an open market, the agreement will serve as a stabilizing force to minimize the effect of Mexico's economic problems on the United States.

United States trade policy towards Mexico as symbolized by the NAFTA, helps to steady a volatile situation for U.S. businesses and workers. NAFTA ensures that President Ernesto Zedillo will address the current situation through greater, not less liberalization of the Mexican market. NAFTA is by no means a cure-all, but it is a highly advantageous agreement for U.S. workers and businesses in this current climate of uncertainty in the economy of our southern neighbor.

## REAUTHORIZING THE COMMODITY FUTURES TRADING COMMISSION

### HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. ROBERTS. Mr. Speaker, today I am introducing by request legislation that reauthorizes the Commodity Futures Trading Commission through the year 2000 at unspecified annual appropriations. I am joined by Messrs. DE LA GARZA, EWING, and ROSE.

The CFTC is the independent agency charged with regulating the Nation's 10 active commodity futures exchanges, the professional brokerage community of futures commission merchants and introducing brokers, commodity trading advisers and pool operators. Futures exchanges for years have met the vital economic needs of price discovery and risk management to U.S. agriculture. And, during the last 20 years, we have seen an explosion of trading in exchange derivative products on industrial and precious metals and energy commodities as well as financial instruments. Interest rate and stock index contracts continue to show phenomenal growth trends as more and more commercial and industrial enterprises understand the benefits of hedging economic risks in the futures and options markets.

Within the past decade, useful off-exchange markets have developed in individually negotiated instruments with characteristics of traditional futures and option contracts.

The CFTC is there to make sure the designated exchanges continue to promote fair and orderly trading, to police legitimate over-the-counter markets and to prosecute with State law enforcement authorities illegal boiler room activities that have operated for years in the gray areas of the Commodity Exchange Act.

My colleagues and I believe a simple, 5-year authorization is appropriate at this time, since the Commission's regulatory activities were thoroughly debated during the last reauthorization, which was concluded in October, 1992. The Commission operated without authorization during fiscal years 1990 through 1992 while the Congress debated several issues of crucial importance to our financial markets. The CFTC has been without an authorization so far in this current fiscal year, and this committee must assume its legislative responsibilities. There still are outstanding issues and questions about competitiveness and regulatory intrusions, but I would hope that we could deal with them, if necessary, in separate legislation.

In that regard, the Futures Trading Practices Act of 1992 required the precise, independent and unalterable recordation of all trade executions to be an industry standard by October 1995. The Congress rightly understood the technological problems involved in attaining this mark and provided some flexibility. I might add here that the House committee report making appropriations for fiscal year 1995 concluded that the exchanges had made good faith efforts to meet the audit trail requirements. The Appropriations Committee said it expected the Commission to grant an extension to the exchanges beyond the 1995 deadline. Although I, as one Member, have not concluded whether or not the Commission should grant the extension, it is up to the Committee on Agriculture to deal with this matter.

Finally, Mr. Speaker, off-exchange derivatives trading has been making headlines recently. Procter & Gamble, Gibson Greeting Cards, and other private companies as well as several public funds, including the now famous fund controlled by Orange County, CA, have lost large sums of money through derivatives investments. Many of these transactions may have been made without adequate understanding of the risks involved in highly leveraged instruments. There may have been breaches of fiduciary responsibilities in some of these cases. At any rate, so far the regulators have held their fire in requesting new authorities. I understand the SEC is asking for some voluntary restrictions of certain unregulated subsidiaries of SEC registrants, but, beyond that and other administrative actions taken recently by banking regulators, I would hope the Congress moves cautiously in this area of financial regulation.

Derivatives are not new even though a casual reading of the business press would lead you to a different conclusion. There is little the Congress can do to legislate against poor judgement. In those instances where fraud is found, then there are appropriate laws to deal with the problem. To restrict the legitimate uses of derivatives—and few doubt their legitimacy whether they are exchange-traded futures and options or over-the-counter hedging and investment instruments—would be a profound error.

## TELECOMMUNICATIONS LEGISLATION TO OPEN THE INFORMATION SUPERHIGHWAY TO ALL AMERICANS

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mrs. COLLINS of Illinois. Mr. Speaker, in the last 2 weeks I have introduced a pair of legislative initiatives that are of paramount importance if we in this body are to adequately ensure that all Americans have a genuine opportunity to participate in the information revolution that is now rapidly progressing in our Nation. As we are all well aware, every day in the morning papers another story appears announcing a new telecommunications merger or plans for the development of a new telecommunications technology. The pace of change in this arena is absolutely striking.

But with change comes challenges Mr. Speaker. While we should all look forward to the opportunities presented by new, emerging technologies, we cannot disregard the lessons of the past and the hurdles we still face in making certain that everyone in America benefits equally from our country's maiden voyage into cyberspace.

It is a very well-documented fact that minority and women-owned small businesses continue to be overwhelmingly under-represented in the telecommunications field. In the cellular industry, which generates in excess of $10 billion per year, there are a mere 11 minority firms offering services in this market. Overall, barely 1 percent of all telecommunications companies are minority-owned. Of women-owned firms in the United States, only 1.9 percent fall within the communications category.

Therefore, I have introduced two separate pieces of legislation, H.R. 187 and H.R. 503, the Telecommunications Economic Opportunity Act of 1995, that seek to remedy the

aforementioned inequities. It is imperative that minorities and women are drivers, not simply passengers, in the superhighway fast lane. As the statistics point out, too often in the past these groups have been left standing on the shoulder, only to watch the big guys and gals cruise down the road, leaving them in the dust.

I must note that both of these measures passed the full House by a landslide last year as part of H.R. 3626, the Antitrust and Communications Reform Act of 1994, and I look forward to the same bipartisan support for my initiatives in the 104th Congress.

H.R. 187 would require a rulemaking on the part of the Federal Communications Commission, after consultation with the National Telecommunications and Information Administration, on ways to surmount barriers to market access, such as undercapitalization, that continue to constrain small businesses, minority, women-owned, and nonprofit organizations in their attempts to take part in all telecommunications industries. Underlying this amendment is the obvious fact that diversity of ownership remains a key to the competitiveness of the U.S. telecommunications marketplace.

H.R. 503, which is intended to increase the availability of venture capital and research and development funding for both new and existing small, women, and minority-owned companies, would require all telecommunications providers to annually submit to the FCC their clear and detailed company policies for increasing procurement from business enterprises that are owned by minorities and women in all categories of procurement in which these entities are under-represented. The FCC would then report to Congress on the progress of these activities and recommend legislative solutions as needed.

Mr. Speaker, last year Congress fell short in its attempts to pave the roads of the information superhighway with increased competition and, thereby, assist in promoting greater economic opportunities for more Americans as we head into the 21st century. This year we can ill afford to repeat our past mistakes.

While my measures do not completely solve the long-standing problems that confront so many forgotten entities and enterprises in our communities, their passage will ensure that minorities and women will have a strong role in the fantastic industries of the future as both users and providers of services. Because of this, we all stand to benefit.

I strongly urge my colleagues to support both H.R. 187 and H.R. 503.

## STOP ABUSES OF CHARITIES' TAX EXEMPTIONS

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. MENENDEZ. Mr. Speaker, Amercians are the most generous people in the world, yet charlatans abuse tax exemptions designed to support worthy charities. Today, I am introducing a bill to stop such abuse of American generosity.

The Tax Exemption Accountability Act would stop self-dealing by the managers of tax exempt organizations and put teeth into requirements that they file accurate annual returns with the IRS and make them readily available to the public. It also creates a national clearinghouse offering copies of returns for a reasonable fee.

The bill also would cap the compensation of officers and directors at the level of U.S. Cabinet members. Churches would continue to be exempt from filing IRS returns and from caps on pastors' salaries, and hospitals could still pay high-cost professionals.

We need greater accountability by tax exempt organizations because they control substantial public wealth that offers a temptation some have been unable to resist.

The share of national revenues going to tax exempts has nearly doubled in the past 15 years, growing at 8 percent per year in constant dollars. The IRS reports that the revenues of tax-exempts rose from 5.9 to 10.4 percent of U.S. gross domestic product from 1975 to 1990. Revenues totaled $578 billion in 1990.

These are substantial revenues. To put them into context, in 1990, taxable service industries had receipts of $1,174 billion. The tax exempts had revenues of just half that amount.

The assets of tax exempt organizations totaled nearly $740 billion in 1990, with real growth at an average annual rate of 7.7 percent over the previous 8 years. These assets accounted for 4.5 percent of private net worth in the United States in 1990, up from 2.9 percent in 1979.

## INCOME EQUITY ACT OF 1995 AND MINIMUM WAGE ENHANCEMENT ACT OF 1995

### HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. SABO. Mr. Speaker, I believe that an increase in the minimum wage is needed to restore equality to salaries for millions of Americans. For that reason, today I am introducing the Minimum Wage Amendments Act of 1995. This legislation will increase the Federal minimum wage to $6.50 an hour—an increase that will help nearly 5 million Americans better provide for themselves and their families.

In today's economy, minimum-wage workers are often unable to support themselves for one simple reason—the minimum wage has not kept up with the cost of living. In the 1960's and 1970's, for example, a full-time year-round worker making the minimum wage earned enough to keep a family of three above the poverty line. Today that same worker falls nearly $3,500 below the poverty line. To supplement their minimum wage, workers are often forced to seek assistance from taxpayer-financed Government programs such as food stamps, housing subsidies, and medical assistance.

Congress has tried to help. In June 1989, Congress passed legislation increasing the minimum wage. Under that legislation, The 1989 Fair Labor Standards Act, the minimum wage was raised from $3.35 to $4.25 per hour.

Still, the minimum wage has not kept pace with the rising cost of living. In fact, the current $4.25 per hour falls almost $2.25 short of the real value of the minimum wage in 1968. This failure to increase the minimum wage to a level that provides a living puts enormous pressure on social programs. In my judgment, all full-time workers should make enough money to live off their wages.

From the time of President Roosevelt, a fair minimum wage helped ensure a responsible relationship between workers and management. Today, a fair minimum wage is critical to millions of working Americans. More than two-thirds of minimum-wage workers are adults, and it is estimated that one in five minimum-wage workers live below the poverty line.

When working Americans are unable to support themselves and their families, they are left scrambling to pay their bills and put food on their tables. Today's minimum wage is too much minimum and not enough wage. We can not be content with an economy that helps those at the top of the economic ladder climb further up while those at the bottom slip further down.

Mr. Speaker, today I am also introducing the Income Equity Act of 1995.

One of the most disturbing trends of the past decade has been the increasing polarization of income in this country. To use a familiar phrase: "The rich have gotten richer and the poor poorer." In fact, the gap between rich and poor families is now larger than at any time since the Government began compiling those statistics.

Put another way, average income of the poorest fifth of the population has fallen from 93 percent of the poverty line in 1973 to 83 percent in 1987. The next poorest fifth has an average income of twice the poverty line. On the other end of the spectrum, the richest fifth has an income that is almost nine times higher than the poverty line. Clearly, the income gap continues to widen.

More single-parent, female-headed households are stuck in the bottom end of the wage scale. Wages for low-income and young workers have been stagnant. These trends have helped contribute to a growing class of working individuals who are having a tough time making ends meet. This poverty is especially damaging because it hits children so hard. Today, an alarming one in five children live in poor families. Poverty and the problems associated with it—malnutrition, inadequate health care, disadvantages at school, and crime—impair a child's ability to perform later in life. Those basic problems erect barriers that make it tough for children to ever achieve. We need to reverse the trend toward growing income inequities.

My bill, the Income Equity Act, would not only raise the minimum wage to $6.50 an hour, but it would also limit the tax deductibility of executive compensation to 25 times that of the lowest paid worker in the same firm. For example, if the lowest paid worker of a business is the clerk who makes $10,000 a year, the business will only be allowed to deduct $250,000 in salary and bonuses for senior employees. This provision simply draws attention to the incredible income gap present in most businesses. Business owners will be forced to

take a long, hard look at how they compensate both those at the bottom and those the top of the income ladder.

The bottom line is that Americans who work full time should be able to provide for themselves and their families without turning to the Federal Government for assistance. Both Democrats and Republicans alike want to see individuals excel in the workplace. We want to see families living well and doing so independent of Government intervention. A liveable minimum wage is an essential extension of the work ethic—it tells individuals that work is important and should be rewarded appropriately.

Mr. Speaker and Members of the House, I hope you will join me in supporting an increase in wages for working Americans.

## NORTH ST. VRAIN PROTECTION ACT

### HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. SKAGGS. Mr. Speaker, today, I am again introducing a bill to protect North St. Vrain Creek, the largest remaining roadless canyon along Colorado's Front Range. This bill was almost enacted last year when it was approved by the House and reported by the Senate Committee on Energy and Natural Resources. Unfortunately, the full Senate did not have time to consider the bill before the end of the session.

This legislation will prevent construction of new dams on the North St. Vrain Creek as it flows through Rocky Mountain National Park and the Roosevelt National Forest, and will clear up public land ownership along the creek. The North St. Vrain should be kept free of additional dams and impoundments for all times. This is some of the best meeting of land and water we have in Colorado—and that is saying a lot.

The bill incorporates the recommendations of a citizens' advisory committee, which I appointed in conjunction with the Boulder County Commissioners, and which spent over 5 years developing a consensus proposal on how to protect the creek and canyon while protecting local property and water rights.

This bill represents an astonishing amount of work by Coloradans—especially the 50 people who took part in 103 advisory committee meetings and performed over 300 hours of independent research. Another 600 people attended 12 public hearings on the proposal. With the work that is already been done by all these people to produce this consensus, I hope it will be possible to move this bill through Congress quickly and early in this session and not disappoint them again.

The legislation would prohibit any Federal agency from approving a new dam or reservoir on the North St. Vrain Creek or its tributaries in Rocky Mountain National Park, or on the main stem of the creek below the park and above Ralph Price Reservoir, in the Roosevelt National Forest.

The advisory committee originally recommended prohibiting dams just on the stretch of the creek below the park. However, at a special town meeting I held in Allenspark, CO, to hear comments on the advisory committee's recommendation, I received suggestions that the prohibition on dams also apply within the national park. After getting agreement from advisory committee members, I agreed that the change is an improvement.

To some, I suppose this prohibition might appear to be redundant to existing national park protection. However, dams are not currently prohibited in the national park, just as they are not in the national forest. With the inevitable pressure to supply more water for the Denver metropolitan area, it is possible that there will be new proposals for smaller water supply projects all along the Front Range to meet future urban water needs. As recently as 1979, the city of Longmont considered building a dam on the North St. Vrain Creek that would have inundated part of Rocky Mountain National Park. And, in the early 1980's, we had to deal with the proposed Coffintop Dam on the South St. Vrain. That is why it is important to prohibit dams on this wild stream.

The bill also would direct the National Park Service to negotiate with the city of Longmont to acquire the city lands that would have been used for the city's now-abandoned plan for a dam. The lands are located within the park boundaries but not owned by the Federal Government. Another provision of the bill would direct the Forest Service to pursue negotiations for a proposed land exchange involving other Longmont lands in Coulson gulch, along a tributary of the creek in the adjoining national forest.

This legislation itself is the heart of a larger package of policies and agreements that will protect the distinctive natural features of this area, while assuring the continued enjoyment of privacy and productivity by local landowners and water users. I will again seek to win committee approval of report language, recommended by the advisory committee, to clarify various points.

The North St. Vrain Creek is located 20 miles northwest of Boulder. It is the primary stream flowing from the southeastern portion of Rocky Mountain National Park, arising in snowfields near Longs Peak, and tumbling through waterfalls and cascades in the Wild Basin area of the park. After leaving the park, the creek cuts a narrow, deep canyon until it reaches Ralph Price Reservoir. To watch and listen to the creek's falls, either in the park or downstream in the forest, is to stand silent in wonder—not just because it is difficult to be heard above the roar, but also because just watching and listening to the water is the best of conversations.

The watershed includes habitat for bighorn sheep, deer, elk, peregrine falcons, flammulated owls, and mountain lions. It also provides popular hiking, fishing, and hunting terrain relatively near some of Colorado's larger cities.

I introduce this legislation not only with a belief in the importance of protecting the North St. Vrain, but also with a firm conviction that the hundreds of Coloradans who have worked on its protection have crafted a sound and effective consensus. this is a good bill, a clear and simple proposal, which has strong support among the people in the area.

## SPEECH BY HEATHER HIGGINS

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. GINGRICH. Mr. Speaker, this speech by Heather Higgins was delivered at the Progress and Freedom Foundation's Conference on Democracy in Virtual America, held on January 10, 1995. Heather Higgins is a senior fellow at the Progress and Freedom Foundation and the executive director of the Council on Culture and Community in New York. I commend it to my colleagues.

Regarding the balanced budget amendment, I would commend to all of you a piece that Milton Friedman had in the Wall Street Journal earlier this week, pointing out that not all balanced budget amendments are equal, that some are singularly pernicious, if they do not have the necessary constraints attached.

I would hope that we would have a balanced budget, and a balanced budget amendment, if it is so written, should be part of a shift in the underlying philosophical premise—one of several that I expect we will see—to accompany this change in thinking, this third wave.

We are rediscovering the understanding that it is not ethical to expect some future generation to pay for you, that the moral thing to do is to pay your own way as you go. And so, within that context, I expect that we will be balancing our budget.

There are other ethical and philosophical shifts which I think will accompany that. Another thing that I think you'll see increasingly discussed in line with this is a flat tax proposal. The reason being that I think that you're going to see a redefinition of what constitutes fairness. Fairness will no longer be taking more money from some people that you do from others because they have more, but fairness will be that all dollars are taxed the same, and it is up to you to decide how much you're doing to earn, and therefore, how much you're going to pay.

That goes hand in hand with another idea: judge programs by their results, not by their intentions. The intentions of a progressive tax, for example, are well-intended, but the results are not necessarily, in terms of revenue, what one would hope.

Similarly, in terms of most of our welfare programs, we have judged people by the policy of good intentions, and the politics of good intentions. In part, I think it is because the left has always assumed that with sufficient will, anything can be changed. And so, it becomes a question of having enough will, enough good intention. And that's part of the reason that people who don't share that will and that intention are castigated and vilified so thoroughly. They are clearly obstructing the progress that is inevitable.

A third area where you could see real change in the underlying philosophy, and I certainly hope that we will, is that you will see that all Americans are treated first as Americans, not as members of groups, not as members of economic classes or particular races or genders. But we have to go back to the idea that we are all Americans, and that this is a land of possibility. And it is stupid to have higher taxes on one group than on another, because ultimately, we are not a static society.

And we need to return to that notion that we are all equal as citizens.

That all falls within the context of a reemphasis on the civil society. I think that you're going to find that reemphasis taking place, in large part, because the understanding is going to come about that capitalism can never have a human face. No economic system can. No government can. Only human beings can have human faces. And that radically will shift how we structure our activities and our organizations.

So, for example, I think that one of the most exciting facets of this change to a third wave is the Jeffersonian vision which required a small community to function when he was writing, now becomes technically possible in a much larger society.

You also will find, for example, within that vision, a shift away from the ideas of entitlements and rights, which are not, and never have been rights at all, to an idea of moral obligation, which is a much higher calling. And I think that that is where your human face will start to come in.

And you will find, too, that compassion will be properly defined as an individual activity, not as a societal or governmental activity which, by definition, becomes a contradiction in terms, and as far from compassion as one can possibly get.

## TURKEY'S ASSAULT ON HUMAN RIGHTS CONTINUES

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. SMITH of New Jersey. Mr. Speaker, over the years the Helsinki Commission has closely monitored human rights developments to Turkey. I have supported Commission efforts and have joined my colleagues in speaking out about suppression of free speech, torture, and fundamental human rights questions concerning Turkey's Kurdish citizens. As the new Chairman of the Commission, I will continue to speak out on these and other such developments.

I rise today to protest the arrest of seven leaders of the Human Rights Association of Turkey's Diyarbakir branch. Prosecutors want to jail these individuals for no less than 10 years on charges that a publication they produced which documented human rights cases constitutes "separatist propaganda." One of those detained, Neymetullah Gunduz, an attorney and association leader, had met with members of a Helsinki Commission delegation last October. Just weeks ago, several other human rights leaders were acquitted of similar charges. Mr. Speaker, international scrutiny has and should continue to focus on these draconian speech restrictions and other human rights problems which continue to tarnish Turkey's democratic credentials.

For years now, Human Rights Association members throughout Turkey, but especially in the southeast, have been harassed, gunned down, and have had their offices forcibly closed. The Diyarbakir branch was the last allowed by authorities to function in the region, and now, it too has been silenced. Mr. Speaker, the deteriorating human rights situation facing residents of southeast Turkey can only be described in terms of fear and violence. The freedoms and liberties of all citizens have been stripped in an effort to fight terrorism, and residents are victimized by both terrorist and security forces.

Mr. Speaker, Turkish leaders have expressed dismay at efforts to slow Turkey's integration into the European Union, and yet that Government has continued to pursue policies contrary to accepted international human rights norms. Their protests about congressional conditioning of U.S. aid on human rights performance ring equally hollow given the flagrant disregard for Turkey's stated human rights commitments, including those undertaken with the Organization for Security and Cooperation in Europe.

Mr. Speaker, I call upon the Government of Turkey to immediately drop its case against the seven activists and to release all those political prisoners who presently languish in Turkish prisons simply for expressing their opinions.

## TUCSON'S WOMAN OF THE YEAR

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to congratulate Ms. Sarah R. "Sally" Simmons who was recently chosen Tucson's Woman of the Year for 1994. This award, given by the Tucson Metropolitan Chamber of Commerce, recognizes outstanding individuals who have selflessly helped others.

Through her career and dedication to the community, Sally Simmons is both a role model and an inspiration to those around her. In 1993, she became the first Tucson woman and second woman ever to become president of the Arizona Bar Association. She is also a partner in the firm of Brown & Bain, where she specializes in real estate law.

In addition to her thriving career, Ms. Simmons contributes her personal time to various boards and community organizations. She serves on the Board of Directors for Southern Arizona Legal Aid, D–M 50, Lawyers Against Hunger, and is on the advisory board of Tucsonians for a Drug Free Workplace. Ms. Simmons is a charter member of the Arizona Women Lawyer's Association and has served on the board of the Alcoholism Council of Tucson.

Again, I would like to take this opportunity to congratulate Ms. Simmons and especially to thank her for all she is doing to improve the lives of the people of Tucson and throughout Arizona.

## PROCLAMATION CONGRATULATING THE STEUBENVILLE MASONIC LODGE NO. 45

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, the Steubenville Masonic Lodge #45 F. & A.M. has contributed untold volunteer hours in building character, citizenship, and leadership in this community; and,

Whereas, the Steubenville Masonic Lodge #45 F. & A.M. is celebrating 175 years of service to the area's Masons and community; and,

Whereas, members have made in kind contributions of service, financial contributions to the Steubenville area, contributions to the Special Olympics, and to other important needs of the community; and,

Whereas, the local Masonic Lodge has extended the interest of the Masonic Order within this community; and,

Whereas, the members of schools, churches, service clubs, union organizations, and others have been members of the Masonic Order; and,

Whereas, the city of Steubenville and all the surrounding areas of Ohio are better places to live because of Steubenville's Masonic Lodge #45, we join in the celebration of their 175 year anniversary on the twentieth day of January in 1995.

## HOLDING OUR FEET TO THE FIRE—THE BALANCED BUDGET AMENDMENT

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. PACKARD. Mr. Speaker, several months ago I joined my Republican colleagues to sign a contract with the American people to give them less government, less taxes, and less spending. As part of our new covenant we also promised the American people a more open and accountable Government.

We have invited radio talk show hosts to the Capitol to communicate to their listeners exactly what it is we are doing to keep our promises. I am excited to report that they are taking us up on our invitation.

I want to welcome southern California radio talk show host Roger Hedgecock and almost 200 of his listeners who traveled at their own expense, more than 3,000 miles to hold our feet to the fire and make sure that we work to pass the Barton balanced budget amendment.

I am heartened to see such a devoted group of citizens travel so far to enjoy a more open and accountable Congress committed to keeping its word.

They understand a balanced budget amendment will fundamentally change the way Government works. They know that this amendment is the only way to ensure that their children and grandchildren will not be saddled with a Federal debt which is currently tipping the scales at more than $4.5 trillion.

The American people know that it is time for the Federal spending beast to change its eating habits. As with any healthy diet, discipline is key. The balanced budget amendment imposes just that kind of control.

Anyone who has ever been on a diet knows that the key to success is resisting the temptation to cheat. The three-fifths rule in the Barton amendment will help Congress resist the temptation to cheat by making it more difficult to raise taxes on hard working Americans. It will make it tougher for Congress to continue its unhealthy spending habits.

I urge my colleagues to support the Barton amendment and Roger Hedgecock's listeners to continue holding our feet to the fire.

## TRIBUTE TO EDDY JASON

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. ROTH. Mr. Speaker, last weekend one of our communities lost a vibrant personality and talented broadcaster. Eddy Jason, whose radio program was an important part of daily life in Green Bay, WI, passed away at the age of 92.

For 47 years, Eddy entertained, comforted, and informed listeners on WGEE radio with his daily show, "Partyline." He was a lifeline to people in the community, who counted on him for news, information, and just plain old advice. He possessed an amazing amount of common knowledge and common sense. There wasn't any question he couldn't answer.

He played a special role for many seniors in the area, who turned to him every weekday at 9 a.m. for the latest word on current events and happenings around town.

His off-the-air personality was also geared toward helping his community. He was a regular participant in my annual senior seminar, kicking off the proceedings with the Pledge of Allegiance or a brief presentation.

He was a household name in the Green Bay area and enjoyed the recognition. On the street, he was probably more recognizable by his voice than his face, but people felt like they knew him. Eddy was an exercise walker, and his routine consisted of walking one way and busing back. He said he took the bus because he enjoyed getting to know people.

A native of New York, he loved Green Bay and always spoke highly of its friendly, hard-working people. In 1941, Eddy spent 6 years as a military instructor in the Army. He returned to Green Bay in 1947 as a young actor, whose profession had already led him to Chicago and Hollywood, where he starred in a number of silent films.

Eddy made his mark in Wisconsin in the Town Hall Players, an acting group based in LaCrosse that made more than 300 appearances across the State. Eddy fondly remembered the job's best fringe benefit—the free meal offered at many of the engagements.

Eddy broke into Green Bay radio with a noon-time program called "The Farm Hands" that broadcast from the top of the Bellin Building. Every day the show was kicked off by a live, barking dog. It was less than glamorous but he reveled in radio.

"Partyline" debuted in November 1948 on WBAY Radio. With partner Roger Mueller, Eddy began a Green Bay tradition of on-the-air storytelling, joking, and reporting.

Eddy Jason had no plans to retire. He loved his job and his coworkers. He didn't even consider his radio show work. He called it a hobby.

He was on the air 5 days a week and never missed a wedding anniversary or birthday announcement.

Eddy Jason will be remembered by many as not just a broadcasting pioneer, but as an outstanding human being who cared deeply about the community where he lived and worked.

Our thoughts and prayers today are with his son, Wallace McDonald, his six grandchildren, and 16 great-grandchildren.

After 47 years, the airwaves will seem a little empty without Eddy Jason's kind voice. For years to come, the people of Green Bay will not be able to turn on their radios without thinking of him. He will be fondly remembered and sincerely missed.

## VFW CHARTER AMENDMENT

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. STUMP. Mr. Speaker, today I am introducing legislation to amend the Congressional Charter of the Veterans of Foreign Wars of the United States [VFW]. My good friends SONNY MONTGOMERY, and JERRY SOLOMON, former chairman and former ranking Republican member of the House Committee of Veterans' Affairs respectively, join me in introducing this bill. It provides that veterans who have served in the Republic of Korea for not less than 30 consecutive days, or a total of 60 days after June 30, 1949, would become eligible for VFW membership.

Now, only veterans of Korea who served during the war itself are eligible to belong to the VFW. The VFW's congressional charter requires its members to have received a campaign medal or badge to be eligible for membership. However, many veterans have served in Korea but did not receive the requisite campaign medal or badge because of narrow DOD eligibility criteria. Consequently, those service men and women are not eligible to join the VFW.

The VFW believes, and I agree, that those veterans who would be covered by this legislation should be eligible to enjoy membership in the VFW. Only Congress can make this change, because the VFW's congressional charter must be amended.

Mr. Speaker, the realities of the United States military presence in Korea, and the current dangers there provide compelling reasons to support the VFW's desire to amend its charter, I strongly urge all Members to cosponsor and support this bill. Thank you, Mr. Speaker.

## REFORM OF THE FEDERAL BLACK LUNG PROGRAM

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation that I have sponsored for several Congresses now to form the Federal Black Lung Program.

This legislation reflects the frustration of thousands of miners and their families with the extremely adversarial nature of the current program as administered by the Labor Department.

As it now stands, disabled miners who suffer from the crippling effects of black lung disease are faced with a Federal bureaucracy so totally lacking in compassion to their plight, that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

In fact, today, we are witnessing less than a 10-percent approval rate on claims for black lung benefits.

This figure does not attest to any reasonable and unbiased comportment of the facts.

Rather, it represents nothing less than a cruel hoax being perpetrated against hard working citizens who have dedicated their lives to the energy security and economic well-being of this Nation.

The original intent of Congress in enacting legislation to compensate victims of black lung disease was for this to be a fairly straightforward program. This intent has been defeated by years of administrative maneuverings aggravated by some extremely harmful judicial interpretations. Under this bill, we will return to a program that reflects the statutory commitment Congress, and indeed, the Nation, made to compensate these coal miners and their families.

Make no mistake about it. Victims of black lung disease are not people who are looking for a handout.

They are people who worked their lives in one of the most dangerous occupations in this country.

They are people who were promised compensation by their Government. And they are people who now see their Government break that promise.

It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows and families who are being victimized by this program, the very program that was intended to bring them relief.

In general, this measure contains the following proposals:

First, new eligibility standards. A miner would be presumed to be totally disabled by black lung if the miner presents a single piece of qualifying medical evidence such as a positive x ray, ventilatory or blood gas studies, or a medical opinion. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

Second, application of new eligibility standards. The new standards would apply to all claims filed after enactment of the Black Lung Benefits Act of 1991. All pending claims, and claims denied prior to enactment of the Black Lung Benefits Act of 1991 would be reviewed under the new standards.

Third, elimination of responsible operators. All claims would be paid out of the coal industry financed black lung disability trust fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

Fourth, widows/dependents. A widow or dependent of a miner would be awarded benefits if the miner worked 25 years or more in the

mines; the miner died in whole or in part from black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards. Widows who are receiving benefits and who remarry would not be disqualified from continuing to receive the benefits; and, a widow would be entitled to receive benefits without regard to the length of time she was married to the miner.

Fifth, offsets. The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.

## TURKEY: HERE WE GO AGAIN

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. HOYER. Mr. Speaker, last October, the Chairman of the Helsinki Commission, Dennis DeConcini, led a delegation to Turkey to examine human rights issues in that country. While in Diyarbakir, the largest city in the predominantly Kurdish southeast, delegation members visited the offices of the local Human Rights Association [HRA] branch. The delegation had met with HRA leaders in Ankara and the Helsinki Commission has often worked with the HRA and has found its publications extremely useful and reliable.

While meeting with the Commission delegation, HRA leaders explained how the organization's members operated at great risk to their personal safety. HRA members around the country, but especially in the southeast, face constant danger and persecution. Dozens of activists had been threatened, kidnaped, murdered and disappeared. The Diyarbakir HRA branch was the only office in 10 state of emergency provinces allowed to remain open. HRA leaders believed authorities wanted to use the open office to demonstrate their tolerance of human rights organizations. Now, even that Potemkin village has been pulled down by authorities bent on eradicating all criticism of Kurdish polices.

Mr. Speaker, last Tuesday, seven leaders of the HRA chapter in Diyarbakir were arrested and charged with disseminating separatist propaganda. Prosecutors are seeking jail sentences of more than 10 years for these activists because of their publication which detailed human rights cases in 1992. One of those now in prison awaiting trail is Neymetullah Gunduz, an attorney who met with members of Chairman DeConcini's delegation and who visited the Helsinki Commission in 1993 while on a USIA grant. Mr. Gunduz is highly regarded and is considered a dedicated human rights lawyer and reliable source of information concerning rights abuses by both the Government and the PKK.

Mr. Speaker, just recently the Government abandoned a similar case brought against a group of well known Turkish activists. The move was widely hailed as a positive development in an otherwise bleak human rights picture. What this new case seems to indicate is that the recent acquittal stands merely as an aberration as opposed to a genuine effort to dismantle restrictions on free expression. I have said it before, and I reemphasize it now, Turkey cannot be considered a truly democratic nation as long as individuals like Neymettulah Gunduz, Mehdi Zana, Halit Gerger, former parliamentarians and others are jailed for exercising their rights to free expression.

Mr. Speaker, a recent commentary in a large Turkish daily purports that the Government has spent five times more money fighting terrorism than on the giant GAP water project supposed to be the cornerstone of development in southeast Turkey. Tens of billions of dollars have been used to institute policies which have left the region more devastated than ever and its population more resentful than ever. Meanwhile, Turkey continues to face mounting economic and political crises tied directly to failed Kurdish policies. Unless Turkish leaders bite the bullet and seek political approaches to the Kurdish situation, there can be no hope for peace, prosperity or democracy in Turkey. As a friend and ally of Turkey, such a dismal prognosis can bring no happiness to anyone in this country either.

## SALUTE TO A CIVIL RIGHTS PIONEER—ERNEST McBRIDE OF LONG BEACH, CA

### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. HORN. Mr. Speaker, I rise today, during this week in which we commemorate the life and legacy of the Reverend Dr. Martin Lurther King, to honor a gentleman from my District, California's 38th, Mr. Ernest McBride, whose life and work embody the spirit and intent of Dr. King's message. Throughout his half century of residency in our community, Mr. McBride has been a crusader for civil rights and racial justice—and our community is a much better place for his dedication.

Mr. McBride, who is now 85 years of age, moved to southern California when he was 21 to seek a better life for himself and escape the racism and prejudice of his native South. Unfortunately, as an African-American, he did not find the California of the thirties much better. Arriving in a nearby community, he saw a sign that read, "We don't serve coloreds here". But instead of traveling on, Mr. McBride chose to remain. He recently told a Los Angeles Times reporter, "I decided I had to stop and fight somewhere. And I decided Long Beach was where I was going to stop."

Mr. McBride's determination to stay in Long Beach turned out to be a decision which has benefited many people. He fought prejudice and injustice wherever he saw it—not through violence and hatred, but with an attitude of determination and dignity. In 1932, he was hired as a grocery store janitor. Over the 8 years that he worked there, his requests for a raise were continually turned down—until he organized his fellow workers and eventually won a raise and a shorter workweek.

In the early 1940's, when a union at the Long Beach Naval Shipyard refused to allow African-Americans to join, Mr. McBride rounded up 180 people to petition President Franklin D. Roosevelt. The President responded by ordering the union to allow minorities to join or face losing its status as a bargaining agent.

As Dr. King began garnering national attention with his nonviolent efforts to end discrimination and prejudice, Mr. McBride led picketing against local grocery stores that refused to hire blacks and pressured Long Beach city leaders to open up more jobs for African-Americans. He organized a student revolt at a Long Beach high school that forced school officials to abandon minstrel shows and to drop a textbook that depicted African-Americans only as slaves.

Mr. McBride cofounded the Long Beach chapter of the National Association for the Advancement of Colored People [NAACP], and his house was often the chapter's gathering place where members discussed strategies for desegregating housing, ending discriminatory hiring practices, and ridding local schools of racially-biased textbooks.

Recently, Mr. McBride's home of many years—a modest bungalow which he purchased in the 1940's despite racially restrictive covenants and neighbors who petitioned to keep him out—was declared a historical landmark by the city council in honor of Mr. McBride's dedicated efforts to make our community a place that welcomes and encourages peoples of all races.

After the city council's unanimous vote, Long Beach City Council Alan S. Lowenthal, said, "It's certainly too bad we can't designate Ernie and his late wife Lilly as a historic monument. He really is the landmark."

Today I honor Mr. McBride and thank him. He stands as a model of the good that one man—with dedication and compassion—can accomplish for the generations to come.

## OUR FOREIGN POLICY REQUIRES BIPARTISAN CONSENSUS BASED ON SOUND INTELLIGENCE

### HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. GUNDERSON. Mr. Speaker, our foreign policy must be bipartisan. However useful or inevitable our internal debates or expressions may be for domestic issues, we simply cannot continue to apply many voices to foreign affairs. Our goal in foreign affairs is to positively influence and shape foreign situations to our benefit. That is so whether it is a trouble spot in Chechnya, North Korea, Bosnia, or Iraq. It is so for whatever type of situation—be it impending trouble or opportunity—that may arise somewhere else.

That influence cannot serve U.S. interests, however, if it is founded on, and bespeaks, divisive and often petty partisan agendas. This is especially so when those agendas derive from domestic interests having little relevance to the situation. So doing confuses us. It confuses our constituents. It confuses foreign leaders who look to what we say and do to formulate their own policies and reactions. Confusion about what we are doing, or are likely to do, simply from too many voices, can

itself harm the situation, can increase the dangers. Ultimately, many voices confuse—and dissipate—our ability to shape our national future relative to other countries. I submit to you that the more we cast about in the eddies and swirls of partisanship, blown hither and yon by polarization and parochialism, the more we will seem to lack any overarching, unifying vision at all for what we want our own future to be. A ship that has no clear port of embarkation, no compass, no rudder, and no articulated destination—how can it ever arrive? How can we even begin to advance on our national goals of peace and security when they are not what we have set before us?

Colleagues, we must get beyond our partisan differences. Our higher order national interests and visions—spoken with one voice—must guide. Random undertow denies our choices, traps us. Our foreign goals, policies, strategies and objectives—indeed the effects of all those on our future national security—simply cannot be left to such chance. We cannot permit our end points to forever recede.

Instead, we must together do the hard work of shaping foreign policy, and decide our strategy, for the reasons that are relevant to the specific situations at hand. We must begin the process with accurate and expert estimates of those situations, and how they might be affected by various events and courses of action. Our support for this work must come not from vested parochialism, but from U.S. intelligence agencies that we fund for this very purpose.

An additional point may pertain here. These agencies, as we speak, are reviewing and adaption their own visions, goals, and the organizations and processes that should flow from those. They are doing so to more effectively meet requirements that we and others place before them. In envisioning their future uses, purposes, character, and attributes, these agencies surely are telling themselves "if we don't know where we are to be, then we won't get there." Clearly, in better defining their place in the coming decades, they are bound between funding realities and the quickly changing global situations we need them to monitor ever more astutely. Their leadership surely knows that to do this, any mere perpetuation of vested bureaucratic interests can no longer justify them. Circumstances are compelling them to thoughtfully chart their future. They must now navigate with the compass of a clear, overarching, well-articulated, and broadly understood vision of what they will be and what they will do to serve national security. They recognize that their success at relating their means to that end is the standard by which we ultimately will judge them.

My colleagues, can we fairly ask less of ourselves? I submit there is a lesson in some of this for how we carry out our own tasks in foreign affairs and national security. As is true for our intelligence agencies, our efforts must rise above our own bureaucracy. We must look beyond the affiliations and vested interests that are poised to cast us about without aim, reduce our successes, invite failures, trap us. So for us too, the context of our foreign policy pursuit can only be—must be—our larger, enduring goals. These are what unite us as one country. I submit that bipartisanship is absolutely essential to furthering those goals and attaining those attributes that make us one.

## CONGRESSIONAL ACCOUNTABILITY ACT

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Ms. JACKSON-LEE. Mr. Speaker, I rise in support of this legislation. We all agree that Congress can no longer exempt itself from the legislation it passes. Compliance with such legislation by the rest of this Nation's citizens is mandatory. This congressional body moved forward to pass H.R. 1 on the opening day of legislative business for the 104th Congress by an overwhelming vote of 429 yeas. Now we are left to consider the Senate-passed version of this same bill. What a great opportunity for reform.

But do not let the Republican leadership fool you into thinking that the Congressional Accountability Act is a pillar of Republican reform. As a freshman Member, I must continually do my homework. I am fully aware that this reform effort was attempted in the 103d Congress. This legislation passed the House but was held up by the Republicans in the Senate. Why would the Senate block passage of this legislation in the 103d and pass it without reservation in the 104th? Because they did not want President Clinton to sign this reform into law, giving Democrats the credit for reform-oriented policies. We now know that the Republicans were working hard for 2 years to build a platform for the 1994 mid-term elections by halting action on important pieces of legislation in the Senate. Let us give credit to good ideas where credit is due.

And while we are revisiting this corrective measure, why not look more closely at a provision the Senate has added for itself concerning frequent flier miles? This issue has not received enough attention from this congressional body. I urge further dialog and consideration of these reform measures as well.

## SUBMISSION OF BIPARTISAN BALANCED BUDGET AMENDMENT FOR PRINTING

### HON. DAN SCHAEFER

OF COLORADO

### HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. SCHAEFER. Mr. Speaker, in anticipation of the debate on the balanced budget amendment next week, we are submitting the text of House Joint Resolution 28, the bipartisan, bicameral balanced budget amendment that we have introduced with 143 other Members, to be printed in the RECORD for Members to review. House Joint Resolution 28 is identical to Senate Joint Resolution 1 introduced by Senate Majority Leader BOB DOLE. We are submitting our language both in the form of a substitute to House Joint Resolution 1, the balanced budget amendment reported by the House Judiciary Committee—authored by Representative SCHAEFER—and as a free-standing bill—House Joint Resolution 28.

This language is the product of years of hard work by numerous Members of the House and Senate on both sides of the aisle. Senator LARRY CRAIG had an instrumental role in developing this amendment when he was a Member of the House, and continues to play a leadership role in the Senate. Former Representatives Bob Smith of Oregon, Tom Carper, Jon Kyl, Jim Moody, Olympia Snowe, Jim Inhofe, as well as current House Members JOE KENNEDY, MIKE CASTLE, L.F. PAYNE, and NATHAN DEAL have made contributions to the effort. On the Senate side, Senators ORRIN HATCH and PAUL SIMON have provided leadership on this amendment. Senators STROM THURMOND, PHIL GRAMM, HOWELL HEFLIN, and PETE DOMENICI, as well as former Senator Dennis DeConcini have also been actively involved in developing this amendment.

The amendment has been improved over the years based on the advice of constitutional scholars, budget experts, other Members of Congress, and others. Changes were made in the amendment to address criticisms that were raised in the numerous hearings on the amendment. This review process has produced an amendment that is workable, flexible, and enforceable.

House Joint Resolution 28 meets the constitutional standards of simplicity and support by a broad consensus of the American public. It would require the President to submit and Congress to enact a balanced budget beginning in 2002, unless three-fifths of both Houses vote to authorize a deficit. A three-fifths vote would be required to raise the debt limit. The amendment would make it more difficult to raise taxes by requiring a constitutional majority to pass bills increasing taxes. The amendment would be waived in the event of a declared war, and could be waived in the event of a military conflict that posed an imminent and serious threat to national security. The amendment would allow Congress to use estimates in planning budgets, but would require a balance of actual outlays against actual receipts.

We understand that Rules Committee Chairman GERALD SOLOMON has indicated that the Rules Committee report a rule bringing House Joint Resolution 1 to the floor under a "queen of the hill" process in which the substitute that receives the most votes in the Committee of the Whole would be reported to the House. For this reason, Representative SCHAEFER is submitting the text of the bipartisan, bicameral amendment in the form of a substitute. We understand the Rules Committee may also consider reporting a rule that provides for consideration of House Joint Resolution 1 and House Joint Resolution 28 as separate free-standing bills. This process would ensure clean votes on both proposals without forcing Members to choose between two popular amendments and maximize the chances of passing a balanced budget amendment. In this event, we are submitting the text of House Joint Resolution 28.

We look forward to the debate on the balanced budget amendment next week. We encourage all members to participate in this debate and vote to send the balanced budget amendment to the Senate and the States.

H.J. RES. 28

*Resolved by the Senate and House of Representatives of the United States of America in*

*Congress assembled,* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

ARTICLE —

SECTION 1.—Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2.—The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3.—Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

SECTION 4.—No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5.—The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 6.—The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

SECTION 7.—Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 8.—this article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

## HONORING DR. JAMES GLOVER SITES

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to honor a man who has given so much for his community, Dr. James Glover Sites. Dr. Sites was born in Gladstone, VA, attended Appomattox High School, American University, and earned an M.D. from the George Washington University in 1947.

He has been a practicing physician in many Washington area hospitals including Gallinger Hospital, D.C. General, and the George Washington University Hospital. He has authored and coauthored over 38 papers covering gynecology and obstetrics, been instructor, assistant professor, and later as chairman of obstetrics and gynecology at Fairfax Hospital.

While chairman, he oversaw the growth of their OB–GYN department: from 3,000 deliveries in 1977 to over 9,000 deliveries in 1994. His vision took the department into the development of subspecialities such as perinatology, endocrinology, infertility, and gynecological-oncology.

Perhaps his greatest contributions, however, was presiding over the construction and opening of the Women's and Children's Center at Fairfax Hospital, combining total care for women, infants, and small children. This combined facility is one of the premier facilities of its type, in the country.

On Sunday, January 20, 1995, many of Dr. Sites' friends and colleagues are joining with him to celebrate his many accomplishments and honor him.

Mr. Speaker, I ask my colleagues to join me in honoring Dr. James Glover Sites for his many contributions to the families of northern Virginia, and for future beneficiaries of his handiwork.

## TRIBUTE TO CHARLES W. "BILL" DINN—THE 1995 GRAND MARSHALL HOLYOKE ST. PATRICK'S DAY PARADE

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to Mr. Charles W. "Bill" Dinn of Holyoke, MA on being named the 1995 Grand Marshall of the Holyoke St. Patrick's Day Parade.

Mr. Dinn and his wife Patricia have been married for over 30 years. They have five children, Carol, Kathleen, Paul, William, and Michael.

He is a graduate of the Holyoke public schools and is a recent inductee to the Holyoke High School Hall of Fame.

Mr. Dinn is a well respected member of the community and successful businessman. Bill and his brother Paul started Dinn Brother Trophies in 1956 and have led it to become a major retailer of awards both locally and internationally.

Bill is a veteran of the U.S. Army and is a reserve police officer. He is a member of the Elks, trustee of Peoples Bank, and has been honored by Jericho with a Humanitarian Award.

Mr. Speaker, on Friday the 20th of January a reception will be held in honor of Mr. Dinn and I would ask that my colleagues join me in saluting, Mr. Charles W. "Bill" Dinn as the 1995 Grand Marshall of the Holyoke St. Patrick's Day Parade.

## CONSEQUENCES IN SENTENCING FOR YOUNG OFFENDERS ACT

### HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. WYDEN. Mr. Speaker, in searching for a strong, practical strategy for reducing crime, both Democrats and Republicans have given short shrift to the growing problem of violent crime perpetrated by juveniles.

The growth rate of violent crime committed by juveniles now exceeds that of adults. For example, in my home State of Oregon on May 24, 1994, The Oregonian reported that "adult crime statistics have flattened out, but the number of violent juvenile crimes increased by 80 percent between 1988 and 1992."

Nationally, according to a 1994 Department of Justice report, youth arrests for murder increased 85 percent, while adult arrests only increased 21 percent between 1987 and 1991. More generally, the violent crime index for juveniles increased 50 percent over the same period, while the adult violent crime index only increased 25 percent.

Despite the dramatic increase in violent crimes by juveniles, both the 1994 crime bill and the crime provisions in the Republican Contract With America are business as usual with respect to juvenile crime.

The 1994 crime bill allocates $7.9 billion for correctional facilities and a relatively paltry $150 million for alternative juvenile correctional facilities. The Republican Taking Back Our Streets Act contains nine law enforcement titles but doesn't once address the issue of violent juvenile crime.

To their credit, the Clinton administration is trying to fill the gaps in the 1994 crime bill provisions. Despite controversy, they have interpreted the Violent Offender Incarceration and Truth in Sentencing Act to be applicable to juveniles. However, the clear thrust of the violent offender provisions in the 1994 crime bill is to reform the adult system and guarantee that our communities are safe from violent adult offenders. In fact, the bigger law enforcement challenge for our country is to reduce juvenile crime.

My legislation, the Consequences in Sentencing for Young Offenders Act, pursues a fresh strategy against juvenile crime and sends a straight-forward message: young people who commit a crime will face real consequences for each criminal act and those consequences will increase each time they commit an additional offense.

At present, juvenile criminals face few if any consequences. For the first offense—and often many thereafter—there is likely to be probation at best. A bit of history is in order.

At the turn of the century, States began to separate the juvenile system from the adult system because of a belief that children who committed crimes could be rehabilitated. The States introduced the concept of parens patriae or a system that might act in the interests of the child. By 1925, all but two States had juvenile courts separate from adult courts. As long as this system was dealing with kids who used bad language and shoplifted, the system got by.

In the 1960's and 1970's, with escalating rates of juvenile crime, new standards for juvenile justice were developed with an emphasis on placing juveniles in the least restrictive situation and on counselling instead of punishment. This system was based on a medical model approach grounded in the theory that young people could be cured of their criminal habits. However, little convincing evidence has emerged to show that programs based on the

idea of rehabilitation have been effective in reducing recidivism and in protecting our communities.

In reality, the understandable anger Americans direct at the juvenile justice system stems from the fact that the medical model has often ended up putting our communities at serious risk from young offenders.

Several cases from Portland, OR illustrate what is wrong with the medical model: In 1993, 9 months after being convicted of raping a 4-year-old and facing absolutely no penalty for this crime, a 15-year-old youth and another juvenile who also had a record of violent crime and had faced few penalties, assaulted an Oregonian who was left permanently brain-damaged by the attack. In another case, described in The Oregonian, a child committed 50 crimes, 32 of which were felonies, before the juvenile justice system took action to protect the community.

Nationally, only 50 percent of juvenile cases even go to juvenile court. Most cases are handled by some form of social services division. The majority of juveniles who do go to court are given probation. Incredibly, there is little follow up: many jurisdictions do not collect data on what happens to youths referred to the local juvenile services division.

In Portland, until recently it was common practice for a juvenile to commit three crimes before being referred to juvenile court. When an offender was diverted from court they were required to sign a contract specifying what they would do to help themselves change their ways. This contract included such basic elements as attending drug or alcohol counselling programs, community service or restitution, or participating in a Big Brother/Big Sister Program.

An audit of this system found that only 40 percent of the juveniles ever completed their contracts. Ten percent partially completed them, and the other 50 percent just slipped through the cracks. The major reasons for nonparticipation given were that the families were not responsive, or they just refused to participate.

This system in Oregon was actually profiled in 1990 as being a model for the Nation by the Federal Office of Juvenile Justice and Delinquency Prevention!

According to New York Magazine, the situation in the Empire State is far worse. Thirty thousand juveniles picked up for misdemeanors in 1993 were issued youth division cards and then released—essentially the paperwork was filed and the child walked out.

The Consequences in Sentencing Act that I introduce today seeks to address the glaring shortcomings in juvenile justice by giving incentives to States to adopt a new philosophy of juvenile justice—one built on a system of meaningful sanctions that increase with each juvenile offense.

This concept has been endorsed by the likes of James Q. Wilson from the University of California at Los Angeles who states that "the juvenile courts ought to manage the young people brought before them by a system of consistent, graduated sanctions that attach costs to every offense, beginning with the first." Dr. Wilson has been good enough to counsel me with respect to the legislation I offer today, and I would like to thank him for his suggestions and years of outstanding scholarship.

Additionally, I have worked closely with Oregon's attorney general, Ted Kulongoski who chairs the National Attorney General's Association task force on juvenile justice, and prosecutors, judges, law enforcement, and juvenile services directors both in Oregon and across the country. I would especially like to commend and thank Attorney General Kulongoski, Portland district attorney Michael Schrunk, Bend juvenile services director Dennis Maloney, Judge Stephen Herrell, and Portland Police Chief Charles Moose for their commitment to juvenile reform and their assistance in drafting this legislation.

Under the first part of my bill, I would amend the 1994 crime bill to give States with a system of graduated sanctions preference in receiving discretionary grants under the violent offender incarceration provisions. Additionally, these States would be able to access unused truth-in-sentencing funds for juvenile correctional facilities. The second part of the bill allows States with graduated sanctions the option to use any future funds allocated for adult correctional facilities for juvenile facilities.

This approach gives States willing to put new accountability in their juvenile justice systems the opportunity to secure additional Federal resources. States are given considerable flexibility as to how they devise their own systems, but must show that they have adopted a system of meaningful graduated sanctions with the following characteristics:

First, every offense carries a sanction of at least reimbursing the victim for the crime and for the bureaucratic cost of dealing with the crime.

Second, juveniles will move up a scale of increasingly severe sanctions if they break probation or commit a repeat offense.

Third, violent juveniles should be efficiently remanded to adult court.

Fourth, all juveniles who enter the juvenile justice system should answer to the court.

Fifth, to the extent practicable, parents should be held responsible for their child's conduct.

Sixth, the juvenile system should be periodically audited for its effectiveness in protecting the community safety, reducing recidivism and ensuring compliance with sanctions.

For the most part, there is a consensus among judges, prosecutors, police and people working in youth services, that any new philosophy of juvenile justice should place emphasis on community safety, individual accountability, work, restitution to victims and community, parental involvement and responsibility, certainty and consistency of response and sanctions, zero-tolerance for noncompliance and the highest priority given to community safety.

My sense is that some States are beginning to integrate these objectives in their juvenile justice systems—the Federal Government needs to provide States with the incentives and resources to continue in this direction. Incentives and resources for these purposes is what my bill is about, and I hope others will join me and the police, prosecutors, judges and juvenile services directors in a national effort to rethink our juvenile justice systems' philosophy and priorities.

## WHY WE NEED THE "NATIONAL SECURITY REVITALIZATION ACT"

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. DORNAN. Mr. Speaker, I strongly recommend to my colleagues and all the citizens of our country the following testimony given yesterday to the House National Security Committee. Norm Augustine's comments are right on target regarding the direction we should be taking with defense spending.

STATEMENT BY NORMAN R. AUGUSTINE, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, MARTIN MARIETTA CORP.

Mr. Chairman and Members of the Committee:

I am Norman Augustine, chairman and chief executive officer of the Martin Marietta Corporation. I appreciate the opportunity to present views on several critical defense issues related to legislation which this Committee is considering and which will directly impact the nation's ability to achieve both defense and budgetary objectives in the years ahead.

Today, I represent a consortium of 13 associations whose members comprise a broad cross section of companies and individuals with experience in many different aspects of America's defense needs. THe organizations are the Aerospace Industries Association, the Air Force Association, the American Defense Preparedness Association, the American Electronics Association, the Association of Naval Aviation, the Association of the United States Army, the Association of Old Crows, the Contract Services Association, the Electronic Industries Association, the National Security Industrial Association, the Navy League of the U.S., the Professional Services Council, and the Security Affairs Support Association.

Needless to say, it is not possible to speak on behalf of so large and diverse a group of organizations on other than rather broad, generic issues. This I will do, but I can also tell you that there is in fact wide agreement among these organizations on the most critical issues relating to the National Security Revitalization Act. With regard to more specific matters, I will share with you views that I must characterize as my own. In this latter regard, I speak from the personal perspective of one who has spent a decade in five different assignments in the Pentagon serving under Presidents from both parties, and another 25 years in various defense-oriented companies in the private sector. Over the course of these assignments, I have seen enormous changes in the defense establishment—but nothing like the tectonic shifts we are facing today.

Having observed from both the private and public perspectives the way America funds, equips and fields its armed forces, I can say with some degree of authority that somehow it works. In the last decade alone, America's defense apparatus helped stimulate the favorable conclusion of the Cold War, helped crush a well-equipped aggressor in the Persian Gulf, and contributed to America's reign today as the world's only "full-service" superpower. Indicative of this success, our military hardware is sought by virtually every nation in the world.

In short, America's defense establishment—its armed forces and the industry that underpins them—has served the people of the

United States successfully and with distinction. This establishment is, in my judgment, well led today by both the civilian and military leadership in the Pentagon. Nonetheless, the very fact that we are here points to the fact that there are serious issues facing all of us, and if we fail to address these issues in a timely fashion, we will surely pay a price in terms of opportunities lost in the future. These issues generally focus on the adequacy of resources we devote to our military and to the manner in which we expend these resources.

Let me observe at the outset that in my opinion—and it is strictly my own opinion—this nation owes nothing to its defense contractors with regard to future business or prosperity. We as a nation can set forth a variety of alternative defense strategies that might require small, medium or large defense industrial bases to underpin them. The choice among these alternatives is a policy decision to be made by government leaders and not by industrial executives, and should be made on the basis of national objectives, the price we are willing to pay in meeting those objectives, and the degree of risk we are willing to accept in so doing.

But I do believe that once this choice has been made, it behooves our government to make certain that its policies affecting the defense industrial base are consistent with the national security objectives which have been established. To do otherwise is in fact to *maximize* risk . . . and brings us not the best but the *worst* of all possible worlds. And I further believe that, whatever may be our established set of national security objectives, we should maintain a *balance* of force structure, readiness and modernization.

Finally, I believe that we should view the capability of the defense industrial base much as we view the need to provide capable armed services. A nation cannot prevail, or at least not prevail without heavy casualties, in modern warfare without a strong defense industrial base. Such an industrial base, as I will discuss further, is not self-generating . . . it must be consciously nurtured.

There are two general points I would like to make this morning—the first relating to the private sector participants I represent and how they have been responding to the new realities of the post-Cold War defense environment. The second point has to do with the government's reaction to the same circumstances, both in Congress and in the Department of Defense.

Let me begin by briefly reviewing the events that have brought us to this committee room today. More than five years after the fall of the Berlin Wall, rapid and fundamental changes continue to ricochet throughout the world political order. Ironies abound: Consider, for example, that among the differences today between the United States and many of the former Warsaw Pact states is that the U.S. has a legal Communist party. Or that each of the recent times I have visited Moscow there were longer lines at McDonald's than at Lenin's tomb. Or that in one trip to what was then Leningrad, I met a very distraught politician who was exceptionally curious about the democratic political system. It turned out that he had just run for re-election unopposed—and lost. And a former Soviet state archivist recently observed, "The state property being privatized most rapidly is KGB files—and they're not for sale."

The new world order—or disorder—could perhaps be summed up by Saudi Arabian General Khalid bin Sultan bin Abdul-Aziz, who said, "If the world is going to have one superpower, thank God it is the United States of America."

But now that we've reached this almost unimaginably hopeful end of a wrenching period in the history of mankind, another almost equally wrenching question emerges: Where do we go from here?

Sometimes it seems that the principal effect of the end of the superpower conflict has been to make the world safe for smaller wars—"smaller," that is, except for those who happen to fall in their path.

Less than 10 days ago, the Director of Central Intelligence testified before a Senate hearing that "[E]thnic, religious, or national conflicts can flare up in more than 30 countries over the next two years." Such a plethora of current and potential conflicts poses an excruciating dilemma as we as a nation seek to balance America's aversion to human suffering with the impracticality of becoming "911-America."

Added to this volatile mix are the sobering facts that states that formerly were part of the Soviet Union still have an estimated 26,000 nuclear weapons in their arsenals, that three other nations have publicly confirmed they have "atomic devices," and an estimated nine additional countries either covertly have or are working to develop their own nuclear capabilities. A reminder of the world we are entering was suggested by the Indian Minister of Defense in his comment a few years ago that the real lesson which many may learn from Desert Storm is: "Never fight the Americans without nuclear weapons."

With the end of the Cold War, America embarked on a path that markedly scaled back our defense expenditures and the forces they support, for example, reducing the size of our army to the point where it will soon be the ninth largest in the world. Let me add that this reduction in defense expenditures has made it possible for our nation to reap a long-sought peace dividend. One measure of this dividend is that by a conservative calculation more than $400 billion in real purchasing power has already been diverted from defense budgets to other purposes since the fall of the Berlin Wall.

Disappointment over what some have characterized as the seemingly modest impact of this reduction on the overall federal budget stems from the fact that non-defense government spending is now growing at a rate which far outstrips any plausible reductions in defense spending. The entire defense budget is now only slightly larger than the interest on the national debt or about one-fourth of the cost of health care. America should, of course, spend no more on national security than it needs, but America can afford whatever national security resources it does need. Today, we spend more on legalized gambling than we do on defense, more on beer and pizza than we do on the Army, more on tobacco and soft drinks than we do on the Navy.

The budgetary reductions that have already taken place have had a substantial impact on the defense industry. The overall Department of Defense budget has been reduced by some 35 percent in real terms from its peak in the mid-1980s. But that part of the defense budget that underwrites equipping our military forces and has provided the underpinning of the defense industry—the procurement budget—has been reduced by 68 percent, thus far. The research and development budget—while experiencing much less of a reduction—has been scaled back well in excess of what had been planned just a few years ago. But a major concern is that the cost of defense infrastructure has not been curtailed accordingly.

One of the complicating factors in defense budgetary planning is that the time horizons are so distant. It is useful to recall that the systems that performed so well in the Persian Gulf largely represented the technology of the 1960s, the development of the 1970s, and the production of the 1980s—all utilized by the people of the 1990s. That is, decisions made in the 1970s to a considerable extent determined the casualties suffered in the Persian Gulf. Similarly, the decisions we make today will to a considerable extent determine the casualties we will suffer in carrying out our national security objectives in the early part of the next century. This is a very great responsibility for each of us.

That America's defense industrial base is becoming increasingly tenuous is becoming increasingly evident. The major firms making up that industry sell at a 30 percent discount to the S&P 500 index, and the discount was closer to 80 percent until a few mergers raised hopes that part of the industry might yet survive and provide viable. The combined market value of the top four aerospace firms is less than that of McDonald's, meaning that Big Macs and Egg McMuffins are judged by the market to have greater immediate reward than stealth aircraft and "smart" weapons.

Current plans call for the defense budget to decline to less than three percent of GDP in 1999, half of what it was in the mid-'80s, and the lowest level since immediately prior to Pearl Harbor. Of course, these reductions are not news to the members of this Committee. But there may not be wide understanding of the challenges that rapidly declining U.S. military procurement budgets are posing to the defense industrial base as well as to the military forces themselves.

In the middle of this century, our armed forces were called upon to perform a clear mission—to fight and win a global war. For most of the latter half of this century, the American public looked to our forces to successfully prepare for war—and by so doing to deter war. Today, and for the foreseeable future, the public is looking to our military to "wage peace"—that is, to deter small wars as well as big ones—a challenge that is turning out to be daunting. Nonetheless, this is the challenge the American people have given the defense establishment in the last decade of the 20th century. And, properly, those entrusted with the management of this establishment are expected to carry out the challenge efficiently and with the minimum required funds.

This brings me to the very important point which I alluded to earlier: I believe, and the evidence seems to support, that the private sector—the defense industrial base which I represent today—has moved deliberately and decisively to respond to the challenge of "waging peace." Just as America's commercial industry has been undergoing a wrenching realignment and downsizing over the past decade, prompted by the presence of Japan on the world scene, I believe America's defense industry is experiencing a similar process of realignment and downsizing, prompted by the absence of the Soviet Union on the world scene. The defense supplier base has imploded; some numbers suggest a shrinkage from about 120,000 firms a decade ago to 30,000 today. Whatever may be the precise numbers, the impact is being felt far beyond the board rooms of America's defense companies. The basic fabric of the defense industrial base is undergoing profound change as corporations restructure, consolidate or altogether depart the industry.

I have noted on previous occasions that the one-millionth defense industry job was eliminated on about July 4th of last year, including direct employment only. We will lose at least another half million jobs before the bottom is reached. Many of these were well-paying scientific and technical jobs which employed some of the most talented and motivated people in our national work force. The disruption of the lives of these individuals has been deep and wide and unrelenting * * * but the inescapable fact is that the threat to America has changed and downsizing of the industrial base was mandatory.

Our industry has been closing plants and selling properties at an unprecedented pace. In the case of the company I serve, we have already shuttered five million square feet of plant space and another wave is yet approaching. But by so doing, we will have saved the taxpayer next $2 billion over the next five years alone.

The private sector has thus responded to the changing needs of the nation. We have taken the painful actions and made the difficult decisions. And we are not yet finished: More wrenching decisions lie ahead. But I believe we have faced the tough challenge given us by the American people in a disciplined and pro-active way.

Drawing upon my service in both the government and in the private sector, I am acutely aware of how much more difficult it is to reduce infrastructure in government. Anyone who has watched the courageous but prolonged deliberations of the Base Closing and Realignment Commission can grasp the difficulties of reducing the physical plant of the Department of Defense. When I worked in the Pentagon I observed the extraordinary difficulty of "rightsizing" the public sector, how many impediments were encountered with every proposed job reduction. Companies in the private sector consistently have made such reductions quickly as an understandable necessity of remaining in business. The market forces are working in this regard.

This, then, leads to the other important point I wanted to make today: namely, that whatever may be the correct size of our military establishment, we are in fact creating a highly unbalanced force by neglecting to maintain that force in a modern condition. The same temptation exists in business where one can for a time neglect to buy new machines for the factories or new equipment for the laboratories or replace obsolescent buildings. But the trap is that sooner or later this practice catches up with itself in an avalanche of future costs which must be met near-simultaneously.

I mentioned before that the defense procurement budget has been reduced by 68 percent in real purchasing power in less than a decade. This contrasts with an overall defense budget reduction of 35 percent. Infrastructure costs associated with operations and maintenance have only been reduced by about 18 percent. The consensus within the industry is that the elements of the defense budget have fallen out of balance.

If one takes today's asset value of equipment owned by the Department of Defense and divides that number by the annual investment in modernization—namely the procurement budget—one derives a number that indicates we are now on a replacement cycle of about 54 years. Stated otherwise, the average item of equipment provided our armed forces has to last 54 years. This is in a world where technology generally has a half-life of anywhere from two to 10 years. I believe that no private company pursuing such a policy would long survive.

We saw in the Gulf War the consequences of modern military technology—for example, precision guided weapons delivered within inches of their targets, stealth, the ability to see at night and to navigate within a few meters even on a desert. The result was that the war was won quickly, decisively and with relatively few American casualties.

What is so often overlooked is the fact that in today's era of the "come as you are" war, where outcomes can be decided in a matter of days or even hours, the only equipment available to our troops will be that which was planned for and acquired during the decades before the actual conflict occurred.

As I stated at the outset, it is not the role of those of us from the private sector to prescribe the size—that is, force structure—of our armed services. But it is within our competence to suggest that whatever that force structure may be, it should be balanced in terms of both readiness and modernization. To the great credit of those bearing the grave responsibility of providing for America's armed forces, the nation has, in this recent downsizing, to a considerable extent avoided the trap of building a so-called "hollow force" in terms of its readiness to fight. But what we must also assure ourselves is that we do not gradually build a force engendering a new kind of hollowness, namely the lack of modernization needed to fight effectively.

Thus, we must be concerned both with readiness and with modernization. Lack of attention to the former produces near-term casualties, to the latter produces future casualties

Given these considerations, what steps are appropriate to assure the adequacy and efficiency of America's defense forces? I would like to offer six suggestions for your consideration.

First, the defense budget should be stabilized. The recent Administration initiative to add $25 billion over several years to the DoD budget is a constructive step, but does not address the full range of the challenge the nation's defense establishment faces nor does it significantly do so in the near term. It should be noted that the lag time between authorizations and outlays in the procurement budget virtually assures several more years's erosion in the defense industrial base.

Second, the balance among procurement, R&D and O&M funding must be restored. We must provide greater funding for exploratory development and prototyping—particularly high-risk/high-payoff pursuits of the type which helped make American defense technology the best in the world and which is central to our stated defense strategy. And in so doing, we must be prepared to accept the occasional failure that necessarily accompanies any effort to push the edges of the state of the art. We must invest more in procurement so that our forces are well equipped to protect themselves and our national interests. This is important not only for the active forces but also for the Reserve and National Guard since they are shouldering more and more of the burden for achieving national security objectives.

Third, we must continue the effort to reform the acquisition process. Secretaries Perry and Deutch and the Congress deserve broad acclaim for the first successful initiative in memory to reform the much-maligned defense acquisition process. The Federal Acquistion Streamlining Act of 1994 demonstrates that it is possible to revise the acquisition process which for many years has been needlessly complex, inefficient and resilient to change. We must now turn our attention to assuring that the regulations implementing this new act carry out the legislation's intentions. In so doing, we need to reform the entire acquisition culture, and having done so, we must recognize that the recent legislation is barely a first step toward full procurement reform.

Fourth, we must eliminate the turbulence in the acquisition process. The principal cause of inefficiency in the acquisition process is not the infamous coffee pot, hammer or even toilet seat; it is the perpetual motion of requirements, people, schedules, and funding. What is needed is to make it much more difficult to start new programs, but once started, to grant very few people the authority to change them. In this regard, the time has come to appropriate funds by the project, not by the year. A true biennial budget cycle would be a reasonable first step.

Fifth, we need to restore fidelity to the defense budget. The American public might be genuinely surprised by the findings of the Congressional Research Service, which noted that the defense budget is being used more and more to underwrite programs—sometimes very worthwhile programs—that have little or nothing to do with national defense. General Dennis Reimer of the U.S. Forces Command recently told a Senate Subcommittee, "We spend more on environmental programs than we do training the 1st Cavalry Division."

Additionally, U.N. operations and other types of peacekeeping and "nation-building" costs should be budgeted incrementally as they occur—some perhaps even under the Department of State budget. Contingency military operations should be separately funded under the Department of Defense budget as such activities take place. Further, restoring "firewalls" in the DoD budget would allow more disciplined allocation of costs to national defense.

Sixth, we should reverse the trend of shifting work from the defense industry to government facilities. Any expansion of the government in maintenance and repair operations only intensifies the decline of the defense industrial base. This trend, minor at first, has accelerated in recent years as military installations seek funds to sustain infrastructure. Maintenance and repair operations increasingly are being conducted by the government itself at the expense of the private sector. This trend toward greater government involvement in functions generally allocable to the private sector flies in the face of trends almost everywhere else on earth.

In summary, Mr. Chairman and members of the Committee, I believe that both the armed forces and the defense industrial base warrant fresh attention by our national leadership. America may be the only surviving "full-service" superpower, but the future is still extraordinarily difficult to predict. General Schwarzkopf, toward the end of this autobiography, included the following passage: "If someone had asked me on the day I graduated from West Point where I would fight for my country during my years of service, I'm not sure what I would have said. But I'm damn sure I would not have said Vietnam, Grenada and Iraq."

And that's the problem in trying to forecast the need for national defense and the industrial base that underpins it, a problem which is exacerbated by the 10-to-20-year lead time for most products of the defense industrial base. For in this age of "come-as-

you-are wars," the casualties we suffer in combat may depend more on our preparedness prior to the initiation of combat than on anything we do during combat—a point writ bold in contrasting the initial battles in, say, Korea and the Persian Gulf.

America is blessed with the finest men and women in its Armed Forces of any nation on earth. It has been my privilege to have personally accompanied them—from Berlin to Saigon, from Panama to Panmunjom—from the ocean's depths in submarines to the surface of the sea in attack carriers—from the dusty heat of Abrams tanks on the desert to the cockpits of jet aircraft in the sky. I have seen for myself just how capable these people are—and this is reflected in public opinion polls which show the high level of confidence America today holds in its military.

Our opportunity as a nation is to build upon this advantage, an to underpin it with a right-sized, high-quality defense industrial base. This will require considerable effort on the part of those of us who bear a fiduciary responsibility for America's military capability; because as marvelous as is the free enterprise system, there are no forces in that system to assure the preservation of an adequate defense industrial capability. This is the underlying dilemma of the defense industry.

Thank you for your attention. I would welcome the opportunity to answer any questions you might have.

## TRIBUTE TO MYRA SELBY

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 20, 1995*

Mr. JACOBS. Mr. Speaker, the important thing about Myra Selby is not that she is a woman and is not that she is an African-American. The important thing is that she is one of the most competent citizens ever placed on the Indiana Supreme Court. And she carries on a tradition of the Evan Bayh administration which, in a word, is excellence.

[From the Indianapolis News, Jan. 5, 1995]

IN HISTORIC MOMENT, STATE COURT WELCOMES NEW JUSTICE

In a brief but historic ceremony, the five justices of the Indiana Supreme Court recessed, then returned with a new member—Myra C. Selby, the first woman and first black justice to serve on the court.

"I'm a little bit nervous today," Selby said Wednesday in her first minutes on the bench. "I hope that means I'm ready."

The 102 justices who have served on the high court since Indiana became a state in 1816 have all been white males.

Mindful of her role in Indiana history, Selby said she did not seek to be distinguished as a jurist by her race or gender.

"What I did seek was the opportunity to serve the citizens of the state of Indiana on this esteemed court," she said moments after taking her place on the Supreme Court bench in the north wing of the Statehouse.

The courtroom was jammed with hundreds of well-wishers, including members of Selby's family, friends, law and government colleagues and state lawmakers in the capital for the first 1995 working day of the General Assembly.

Selby, a former law firm partner and government lawyer, pledged that her service on the court would be marked by "diligence, thoughtfulness, fairness and patience . . ."

She replaced Richard M. Givan, who retired after serving two days short of 26 years, including 13 years as chief justice.

"It's been a lot of fun," said Givan, gesturing to Selby seated in the audience below the bench before the swearing-in and adding, "Myra, I wish you well."

At 39, Selby is the third youngest justice to serve, after Justice Roger O. DeBruler, who joined the court in 1968 at 34, and Chief Justice Randall T. Shephard, who was a few months younger than Selby when he joined the court in 1986.

Selby was formally introduced by state Budget Director Jean S. Blackwell, who attended law school with her at the University of Michigan in the 1970s. Blackwell spoke to the fact of Selby's "firsts" as a woman and black on the court. "Some feel this shouldn't matter, but it really is a giant step for Indiana," she said.

Harry T. Edwards, a federal appeals judge in Washington who once was Selby's law professor, said the new justice's career has been characterized by "intellect, experience and commitment."

"She will be a wonderful addition to this distinguished court," he said.

Selby was appointed by Gov. Evan Bayh, who administered the oath of office with a Bible held by her husband, Bruce Curry.

Her father, attorney Ralph Selby, and mother, Archie, of Bay City, Mich., and her 9-year-old daughter, Laureen, helped Selby don the black robes of a justice.

The five-member court then stood in recess. When the justices returned to the courtroom a few minutes later, Givan was absent and Selby sat to Shephard's left.

[From the Indianapolis News, Dec. 22, 1994]

SELBY WINS HIGH COURT SEAT

Congratulations are in order to Myra C. Selby, the first woman and first African-American to be appointed to serve on the Indiana Supreme Court.

Selby, 39, who has served as Gov. Evan Bayh's director of health care policy since July 1993, was one of three female finalists for the seat. The other two women were Indiana Court of Appeals Judge Betty A. Barteau and Charlestown attorney Anne M. Sedwick.

Selby said she hopes her historic appointment will help all children "reach for that highest star" and dream of lofty accomplishments.

"I hope to be able to become a symbol for young girls and boys of all colors, shapes and sizes," added Selby, who, before working for Bayh, served at Ice Miller Donadio & Ryan for 10 years as a private attorney specializing in health care cases.

Selby will replace Justice Richard M. Givan, scheduled to retire at month's end. She will be the youngest justice on the five-member court.

Some have criticized the governor for choosing for the third time in as many appointments a close aide as an Indiana Supreme Court justice. Bayh appointed his personal attorney, Jon Krahulik, to the high court in 1990. When Krahulik resigned, Bayh appointed Frank Sullivan Jr., his executive assistant for fiscal policy, to take his place.

But Bayh said he selected Selby for the $81,000-a-year post because of her record of excellence in academics, intellect, practice of law and ethics. Additionally, he long has expressed his intent to diversify the all-white, male court.

We particularly applaud Selby's sentiment that the Indiana Supreme Court should hear more oral arguments of cases and better educate the public about its role in state government.

We welcome the opportunity she will have to promote this philosophy and wish her a successful term in office.

[From the Indianapolis Recorder, Dec. 24, 1994]

SELBY WANTS TO SET EXAMPLE ON HIGH COURT

(By Stephen Thomas)

Traditions pertaining to culture and gender have been erased and diversity has been injected into Indiana's highest court.

Gov. Evan Bayh appointed attorney Myra C. Selby to fill a vacancy on the Indiana Supreme Court, Monday. Selby has become the first woman as well as the first African American to serve on the high court, as the replacement for retiring Justice Richard M. Givan.

The 39-year-old Selby said she has understood the ground-breaking significance of her appointment and that she would hope to set a shining example for young people who have dreamed of venturing into high-prestige career paths.

"I hope to become a symbol for young children, girls and boys (of) all colors, shapes and sizes," Selby said, "so they, too, can reach for that highest star that they might dream of."

Selby has exemplified excellence in the legal profession, as evidenced by her consideration by the Indiana Judicial Nominating Commission, which named Selby one of three finalists for the governor's contemplation. Selby has started her judiciary career at the top of the state's ladder, for she has not served as a judge hitherto her historic appointment.

"Two elements that have impressed me most about Myra would be her intelligence and her thoughtful, considered demeanor," said Bayh, "I'd even go so far as to say her judicial demeanor. I believe she is the kind of person who will hear all parties, weigh all the evidence and look to the law and do what is just."

Selby, the 103rd justice and youngest member of the high court, has been the governor's health care policy director for more than a year. Professional skepticism for her lack of bench experience, her political ties to the governor who appointed her as well as attention magnified by her race and gender would not become performance obstacles, Selby said.

"I hope I'll handle it well," Selby said. "I think that anticipating that it will occur will make it a little easier. Whenever one is in public life, one realizes that one has a responsibility to the public for the role that you're in. I'm fully aware of that and appreciate it."

Selby would not necessarily be remembered solely for her appointment's obvious diversification of the high court. Bayh was impressed with Selby's zeal to be recognized for those aspects of her life over which she has had control, notably her accomplishments as a lawyer.

"I want to be chosen for anything I accomplish because of what I am and because of my accomplishments and my abilities," Bayh said Selby once told him. "It seems to be that that is what we honor (in Selby's appointment).

"The fact that she agreed to an enormous cut in pay to step down as the partner of one of the most prestigious law firms, not only in our state but in the country, to serve the people of Indiana is not something that should be held against her."

Selby was a partner in the law firm of Ice Miller Donadio and Ryan, a position she

took after serving as an associate in the Washington-based law firm of Seyfarth Shaw Fairweather and Geraldson. She has specialized in health care law and labor law.

Selby in 1993 and '94 has served as an associate professor of health sciences at the Finch University of Health Sciences, Chicago Medical School, one of her several academic positions.

The 1980 University of Michigan Law School graduate has written articles for numerous legal journals, also. She earned a bachelor's degree in 1977 from Kalamazoo College.

Selby, perhaps prophetically, was honored as "A Breakthrough Woman" in 1990 by the Coalition of 100 Black Women.

Selby, her husband of 16 years Bruce Curry and their daughter Lauren reside in Indianapolis.

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[From the Indianapolis Star, Jan. 5, 1995]

NEWEST JUSTICE TAKES HER PLACE, BREAKS BARRIERS

Ever since Indiana became a state in 1816, the Supreme Court has looked very much the same: all white and all male. On Wednesday, Myra C. Selby changed all that.

Selby, a former law firm partner and government lawyer, took the oath of office to become the 103rd justice to sit on the high court—and its first woman and first black member.

While mindful of her role in Indiana history, Selby said she did not seek to be distinguished as a jurist by her race or gender.

"What I did seek was the opportunity to serve the citizens of the state of Indiana on this esteemed court," she said moments after taking her place on the Supreme Court bench in the north wing of the Statehouse.

The courtroom was jammed with hundreds of well-wishers, including members of Selby's family, friends, law and government colleagues and state lawmakers who had come to the Capitol for the first 1995 working day of the Indiana General Assembly.

Selby pledged that her service on the court would be marked by "diligence, thoughtfulness, fairness and patience . . ."

She replaced Richard M. Givan, who retired after serving two days short of 26 years, including 13 years as chief justice.

"It's been a lot of fun," said Givan. Gesturing to Selby, who was seated in the audience below the bench before she was sworn in, he added: "Myra, I wish you well."

At 39, Selby is the third-youngest justice to serve, after Justice Roger O. DeBruler, who joined the court in 1968 at 34, and Chief Justice Randall T. Shepard, who was a few months younger than Selby when he joined the court in 1986.

Selby was formally introduced by State Budget Director Jean S. Blackwell, who attended law school with Selby at the University of Michigan in the 1970s. Blackwell acknowledged Selby's "firsts" as a woman and black on the court. "Some feel this shouldn't matter, but it really is a giant step for Indiana," she said.

Harry T. Edwards, a federal appeals judge in Washington and former law professor of Selby's, said Selby's career has been characterized by "intellect, experience and commitment."

Selby was appointed by Gov. Evan Bayh, who administered the oath of office with a Bible held by her husband, Bruce Curry.

Her father, attorney Ralph Selby; mother, Archie, of Bay City, Mich.; and her 9-year old daughter, Lauren, helped Selby don her black robe.

The five-member court then stood in recess. When the justices returned to the courtroom a few minutes later, Givan was absent, and Selby sat to the left of Shepard. "I'm a little bit nervous today," she said. "I hope that means I'm ready."